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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KELVIN GORDON, an individual; LILITH
MCGRATH, an individual; KIANA FULLMORE,
an individual; and the AMERICAN CIVIL
LIBERTIES UNION OF NEVADA
FOUNDATION, a domestic nonprofit corporation,

Plaintiffs,

vs.

THE CITY OF LAS VEGAS, a local municipal
government entity; and FREMONT STREET
EXPERIENCE, LLC, a domestic limited liability
company;

Defendants.

Case No.: 2:22-cv-01446-RFB-EJY

ORDER

UPON CONSIDERATION of Plaintiffs' Ex Parte Motion for Temporary Restraining Order and having determined that no further hearing is necessary for entering the requested relief, it is hereby ORDERED that:

1. Due to the irreparable and ongoing injury to Plaintiffs' First Amendment rights, the Ex Parte Motion for Temporary Restraining Order is hereby **GRANTED**;

2. This Order shall also serve as a Temporary Restraining Order pending the outcome of the hearing for Preliminary Injunctive Relief; and

1 3. The Defendants shall be and are hereby enjoined from the following behaviors during
2 the pendency of this action:

3 a. To the extent it does not apply the same regulations to the First Amendment activities
4 of the Defendant, Fremont Street Experience, Limited Liability Company, including
5 commercial activities, the Defendant City of Las Vegas is enjoined from enforcing:

6 i. LVMC 11.68.100;

7 ii. LVMC 11.68.103;

8 iii. LVMC 11.68.105;

9 iv. LVMC 11.68.107;

10 v. LVMC 11.68.108 or

11 vi. any other provision under LVMC 11.68 that regulates conduct protected by the
12 First Amendment.

13 b. The Defendant, Fremont Street Experience, Limited Liability Corporation, is enjoined
14 from regulating conduct protected by the First Amendment on the Fremont Street
15 Pedestrian Mall, including:

16 i. Enforcing provisions LVMC 11.68.100 through LVMC 11.68.108;

17 ii. Closing the Fremont Street Pedestrian Mall to the general public;

18 iii. Closing or moving any locations designated for First Amendment activity on
19 the Fremont Street Pedestrian Mall;

20 iv. Regulating any activities on the Fremont Street Pedestrian Mall that are
21 protected by the First Amendment, including but not limited to solicitation,
22 demonstrations, speech, proselytizing, leafleting, distribution of message-
23 bearing merchandise, parades, and performing arts; and

24 v. Threatening to bring a civil action against individuals for alleged violations of:

25 a) LVMC 11.68.103;

26 b) LVMC 11.58.105;

27 c) LVMC 11.68.107;

1 d) LVMC 11.68.108;

2 e) any other provision under LVMC 11.68 that regulates conduct protected
3 by the First Amendment.

4 c. The Defendant, City of Las Vegas, is enjoined from enforcing regulations described in
5 LVMC 11.68 that regulate First Amendment activity in a manner that favors the First
6 Amendment activities of Defendant, Fremont Street Experience, Limited Liability
7 Company, over the First Amendment activities of other individuals on the Fremont
8 Street Pedestrian Mall.

9 d. The Defendants, City of Las Vegas and Fremont Street Experience, Limited Liability
10 Company, are enjoined from imposing an age-based curfew on the Fremont Street
11 Pedestrian Mall preventing adults under the age of 21 years of age from accessing the
12 Fremont Street Pedestrian Mall.

13 e. The Defendants, City of Las Vegas and Fremont Street Experience, Limited Liability
14 Company, from requiring individuals to present identification prior to engaging in
15 activities on the Pedestrian Mall that are protected under the First Amendment,
16 including but not limited to solicitation, demonstrations, speech, proselytizing,
17 leafleting, distribution of message-bearing merchandise, parades, and performing arts.

18 f. The Defendant, City of Las Vegas, is enjoined from issuing permits for “special events”
19 on the Fremont Street Pedestrian Mall to the Defendant Fremont Street Experience,
20 Limited Liability Company, to the extent that such permits would not be issued to other
21 individuals pursuant to LVMC 11.68.100(B)(2).

22 IT IS SO ORDERED.

23 DATED THIS _____ day of September, 2022 at _____ a.m./p.m.
24

25
26 _____
27 Hon. Richard F. Boulware
Judge, United States District Court for Nevada

1 CC:

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